IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO.1365 OF 2005

The State of Maharashtra ..Appellant
Vs.
Namdeo Baburao Kohinkar & ors. ..Respondents

Office Notes,Office Memoranda of Coram, appearances, Court's order or directions and Registrar's orders.	Court's or Judge's orders.

Smt.V.R.Bhonsale, A.P.P., for the State.
Mr.S.P.Kadam for Respondent No.1.
Mr.R.V.More for Respondent Nos.5, 7 and 9.

CORAM : V.G. PALSHIKAR AND
SMT.NISHITA MHATRE, JJ.
DATED : 20TH APRIL 2005

. By this Application, the State craves leave to appeal against acquittal of seven out of ten accused persons charged of having caused custodial death of an suspected criminal in the police custody.

2. The learned Trial Judge has on proper appreciation of the evidence convicted three of the persons involved in the assault for various offence and has found on appreciation of evidence that no

case is made out for the ten Respondents against whom the present Appeal is directed. From the perusal of the impugned order, it appears that it is a case of a suspect being man-handled. The defence of the accused being that he was man-handled by the mob, whereas the prosecution case is that he was thrashed out by the station house officials. The learned trial Judge has appreciated the evidence and has properly shifted truth from falsehood. The view taken by him that the persons acquitted could not be held guilty cannot be called a perverse view requiring interference by this Court. Hence, leave rejected.